

Feb 01, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL GEORGE ANDY,

Defendant.

No. 1:18-CR-02007-SMJ

PROTECTIVE ORDER

Before the Court, without oral argument, is the United States' Motion for a Protective Order, ECF No. 16, and related Motion to Expedite, ECF No. 17. Having reviewed the pleadings and the file in this matter, the Court is fully informed and finds that a protective order pursuant to 18 U.S.C. § 3509(d) is necessary in this case. Accordingly the Court **GRANTS** the United States' motions and enters the following protective order:

IT IS HEREBY ORDERED, that the privacy protection measures mandated by 18 U.S.C. § 3509(d), when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case, thus;

1 IT IS FURTHER ORDERED that all persons acting in this case in a
2 capacity described in 18 U.S.C. § 3509(d)(1)(B), shall follow and abide by the
3 privacy protections of 18 U.S.C. § 3509(d)(1) and (2) as follows:

4 (d) Privacy protection.—

5 (1) Confidentiality of information.—

6 (A) A person acting in a capacity described in
7 subparagraph (B) in connection with a criminal
proceeding shall—

8 (i) keep all documents that disclose the
9 name or any other information
10 concerning a child in a secure place to
which no person who does not have
reason to know their contents has access;
and

11 (ii) disclose documents described in clause
12 (i) or the information in them that
13 concerns a child only to persons who, by
reason of their participation in the
14 proceeding, have reason to know such
information.

15 (B) Subparagraph (A) applies to—

16 (i) all employees of the Government
17 connected with the case, including
employees of the Department of Justice,
18 any law enforcement agency involved in
the case, and any person hired by the
19 Government to provide assistance in the
proceeding;

20 (ii) employees of the court;

(iii) the defendant and employees of the defendant, including the attorney for the defendant and persons hired by the defendant or the attorney for the defendant to provide assistance in the proceeding; and

(iv) members of the jury.

(2) Filing under seal.—All papers to be filed in court that disclose the name of or any other information concerning a child shall be filed under seal without necessity of obtaining a court order. The person who makes the filing shall submit to the clerk of the court—

(A) the complete paper to be kept under seal; and

(B) the paper with the portions of it that disclose the name of or other information concerning a child redacted, to be placed in the public record.

(C) the search warrants in this case contain personal and identifying information regarding the minor victims in this case. The Government will follow the procedure as described in paragraph (A) and (B) to comply with the provisions of 18 U.S.C. § 3509(d).

IT IS FURTHER ORDERED that counsel shall remind all persons providing assistance on this case of these obligations.


IT IS FURTHER ORDERED that any alleged minor victim will be referred by a pseudonym agreed upon by counsel for the United States and the Defendant. Counsel shall be consistent in their use of the identifier selected. The parties shall prepare their witnesses and instruct them to refer to the alleged minor victims only

1 by using the agreed pseudonyms (e.g., "Jane Doe 1", "Jane Doe 2" etc.), rather
2 than their names, in opening statements and in closing arguments.

3 IT IS FURTHER ORDERED that all personal information relating to any
4 minor victim, or individual who was a minor at the time s/he was sexually abused,
5 shall be precluded from public disclosure.

6 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
7 provide copies to all counsel.

8 **DATED** this 1st day of February 2018.

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10 SALVADOR MENDEZ, JR.
11 United States District Judge
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